

ASSEMBLY, No. 3222

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Co-Sponsored by:

Assemblyman McClellan

SYNOPSIS

Requires consideration of ecotourism when evaluating and ranking applications by local government units or qualifying tax exempt nonprofit organizations for acquisition or development of lands for recreation and conservation purposes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/27/2020)

1 AN ACT concerning ecotourism and certain lands acquired or
2 developed for recreation and conservation purposes, and
3 amending P.L.1999, c.152.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to
9 read as follows:

10 24. a. (1) There is established in the Department of
11 Environmental Protection the Office of Green Acres. The
12 commissioner may appoint an administrator or director who shall
13 supervise the office, and the department may employ such other
14 personnel and staff as may be required to carry out the duties and
15 responsibilities of the department and the office pursuant to
16 P.L.1999, c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-43
17 et seq.), all without regard to the provisions of Title 11A, Civil
18 Service, of the New Jersey Statutes. Persons appointed or
19 employed as provided pursuant to this subsection shall be
20 compensated in a manner similar to other employees in the
21 Executive Branch, and their compensation shall be determined by
22 the Civil Service Commission.

23 (2) The Green Acres Program in the Department of
24 Environmental Protection, together with all of its functions, powers
25 and duties, are continued and transferred to and constituted as the
26 Office of Green Acres in the Department of Environmental
27 Protection. Whenever, in any law, rule, regulation, order, contract,
28 document, judicial or administrative proceeding or otherwise,
29 reference is made to the Green Acres Program, the same shall mean
30 and refer to the Office of Green Acres in the Department of
31 Environmental Protection. This transfer shall be subject to the
32 provisions of the "State Agency Transfer Act," P.L.1971, c.375
33 (C.52:14D-1 et seq.).

34 b. The duties and responsibilities of the office shall be as
35 follows:

36 (1) Administer all provisions of P.L.1999, c.152 (C.13:8C-1 et
37 al.) and P.L.2016, c.12 (C.13:8C-43 et seq.) pertaining to funding
38 the acquisition and development of lands for recreation and
39 conservation purposes as authorized pursuant to Article VIII,
40 Section II, paragraph 6 and paragraph 7 of the State Constitution;

41 (2) Continue to administer all grant and loan programs for the
42 acquisition and development of lands for recreation and
43 conservation purposes, including the Green Trust, established or
44 funded for those purposes pursuant to: P.L.1961, c.45 (C.13:8A-
45 1 et seq.); P.L.1971, c.419 (C.13:8A-19 et seq.); P.L.1975, c.155
46 (C.13:8A-35 et seq.); or any Green Acres bond act;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (3) Adopt, with the approval of the commissioner and pursuant
2 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
3 1 et seq.), rules and regulations:

4 (a) establishing application procedures for grants and loans for
5 the acquisition and development of lands for recreation and
6 conservation purposes, criteria and policies for the evaluation and
7 priority ranking of projects for eligibility to receive funding for
8 recreation and conservation purposes using constitutionally
9 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
10 constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12
11 (C.13:8C-43 et seq.), any conditions that may be placed on the
12 award of a grant or loan for recreation and conservation purposes
13 pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or P.L.2016, c.12
14 (C.13:8C-43 et al.), and any restrictions that may be placed on the
15 use of lands acquired or developed with a grant or loan for
16 recreation and conservation purposes pursuant to P.L.1999, c.152
17 (C.13:8C-1 et al.) or P.L.2016, c.12 (C.13:8C-43 et seq.). The
18 criteria and policies established pursuant to this subparagraph for
19 the evaluation and priority ranking of projects for eligibility to
20 receive funding for recreation and conservation purposes using
21 constitutionally dedicated moneys pursuant to P.L.1999, c.152
22 (C.13:8C-1 et al.) or constitutionally dedicated CBT moneys
23 pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.) may be based upon,
24 but need not be limited to, such factors as: protection of the
25 environment, natural resources, water resources, watersheds,
26 aquifers, wetlands, floodplains and flood-prone areas, stream
27 corridors, beaches and coastal resources, forests and grasslands,
28 scenic views, biodiversity, habitat for wildlife, rare, threatened, or
29 endangered species, and plants; vernal habitat; degree of likelihood
30 of development; promotion of greenways; provision for recreational
31 access and use; protection of geologic, historic, archaeological, and
32 cultural resources; relative cost; parcel size; and degree of public
33 support;

34 (b) addressing any other matters deemed necessary to implement
35 and carry out the goals and objectives of Article VIII, Section II,
36 paragraph 6 and paragraph 7 of the State Constitution and P.L.1999,
37 c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-43 et seq.)
38 with respect to the acquisition and development of lands for
39 recreation and conservation purposes, including the acquisition of
40 lands for recreation and conservation purposes that have been
41 damaged by, or may be prone to incurring damage caused by,
42 storms or storm-related flooding, or that may buffer or protect other
43 lands from such damage; and

44 (c) establishing application requirements and a fee schedule for
45 the review by the department of applications to convey, dispose of,
46 or divert to a use other than recreation and conservation purposes
47 lands acquired or developed by a local government unit or a
48 qualifying tax exempt nonprofit organization for recreation and

1 conservation purposes using funds from any Green Acres bond act,
2 constitutionally dedicated moneys pursuant to P.L.1999, c.152
3 (C.13:8C-1 et al.), or constitutionally dedicated CBT moneys
4 pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.), or lands held by
5 the local government unit for recreation and conservation purposes
6 at the time of receipt of such funds. The fees established pursuant
7 to this subparagraph shall reflect the costs of the Office of Green
8 Acres incurred in processing and reviewing applications to convey,
9 dispose of, or divert lands acquired, developed, or held for
10 recreation and conservation purposes to a use other than recreation
11 and conservation purposes. All fees collected pursuant to the fee
12 schedule adopted pursuant to this subparagraph shall be used to
13 offset the administrative costs of the Office of Green Acres
14 associated with such reviews pursuant to the provisions of section
15 13 of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419
16 (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), sections
17 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-
18 35), and section 11 of P.L.2016, c.12 (C.13:8C-53), as appropriate,
19 and any other applicable law; and

20 (4) Establishing criteria and policies for the evaluation and
21 priority ranking of State projects to acquire and develop lands for
22 recreation and conservation purposes using constitutionally
23 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
24 constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12
25 (C.13:8C-43 et seq.), which criteria and policies may be based
26 upon, but need not be limited to, such factors as: protection of the
27 environment, natural resources, water resources, watersheds,
28 aquifers, wetlands, floodplains and flood-prone areas, stream
29 corridors, beaches and coastal resources, forests and grasslands,
30 scenic views, biodiversity, habitat for wildlife, rare, threatened, or
31 endangered species, and plants; vernal habitat; degree of likelihood
32 of development; promotion of greenways; provision for recreational
33 access and use; protection of geologic, historic, archaeological, and
34 cultural resources; relative cost; parcel size; and degree of public
35 support.

36 c. In addition to the criteria and policies established pursuant to
37 subsection b. of this section, when evaluating and ranking projects
38 by local government units and qualifying tax exempt nonprofit
39 organizations for eligibility to receive constitutionally dedicated
40 moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
41 constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12
42 (C.13:8C-43 et seq.), the office shall consider the extent that the
43 project would create or promote ecotourism.

44 (cf: P.L.2019, c.136, s.7)

45

46 2. This act shall take effect immediately.

1 STATEMENT

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3 This bill would expand the criteria and policies established for
4 the evaluation and priority ranking by the Department of
5 Environmental Protection’s Green Acres Program of applications by
6 local government units or qualifying tax exempt nonprofit
7 organizations for eligibility to receive funding from the Green
8 Acres Program for recreation and conservation purposes. Under
9 this bill, the Green Acres Program would consider whether an
10 application would create or promote ecotourism. This consideration
11 of the creation or promotion of ecotourism would be in addition to
12 other criteria and policies set forth in law.